

REGULATORY IMPACT STATEMENT

COMPLETING THE IMPLEMENTATION OF THE ROAD SAFETY TO 2010 STRATEGY: Sustainable speed management

EXECUTIVE SUMMARY

Most people are now driving within the speed enforcement tolerance most of the time, and mean speeds have fallen by almost 4km/h over the last ten years. The policy proposals tighten up the penalty regime applying to that small minority (around 3.5 percent open road and 8 percent urban) who drive at speeds in excess of the enforced tolerance, and get them off the road rather than simply amassing fines. The proposals also remove (in a graduated way) the mixed message sent by the legality of devices for detecting or interfering with speed measuring equipment.

ADEQUACY STATEMENT

The proposals in this paper do not have major economic development impacts and have, therefore, been reviewed within the Ministry of Transport. The Ministry of transport confirms the paper meets the requirements for Regulatory Impact Statements.

STATUS QUO AND PROBLEM

Land Transport Act 1998 places an obligation on the government to, among other things, promote safe road users behaviour and vehicle safety and to provide for a system of rules governing road users behaviour, the licensing of drivers, and technical aspect of land transport.

In New Zealand in 2005 speeding was a contributing factor in 112 fatal crashes and 1,700 injury crashes. These crashes resulted in 130 deaths and 2,657 injuries. For every driver or rider killed in road crashes where speed was a contributing factor between 2003 and 2005, 60 of their passengers, and 32 other road users died with them.

729,088 speed infringement notices were issued in 2006; these represented around 52.3 percent of all traffic offences. Approximately 29 percent of the speed camera notices and 37 percent of the officer issued notices were unpaid and forwarded to Collections at Ministry of Justice to pursue payment. The value of tickets that were paid before being sent through to Collections was \$50,231,467.

The proposals in this paper only affect officer issued notices (301,734), not camera issued notices which will not, at Cabinet's specific request, attract demerit points. A total of 6,948 speeding infringements were issued in 2006 for driving 30km/h or more over the speed limit in zones.

Public responses to speed enforcement are often negative and fuelled by mixed messages on the dangers of speeding. Two key sources of these messages are the 10km/h speed enforcement tolerance and the legality of equipment for detecting or interfering with speed measuring devices.

OBJECTIVES

Ministers asked for proposals that would “rebalance” the administrative penalty regime in respect of offences for speeding, except for speeding offences detected by speed cameras, to focus on demerit points rather than fines. As a consequence of early work on this, the Ministers of Transport and Police and the Minister for Transport safety asked for a reduction in the speed threshold for immediate 28 day licence suspension. They also asked for proposals on banning devices for detecting or interfering with speed measuring equipment.

Re-balancing of demerit points

Ministers’ requirements necessarily constrained the speed management options in relation to re-balancing between demerits and fines. The options were seen to be:

Option 1: To run a somewhat arbitrary regime to reduce fines to a very low level e.g. \$5 and to load the demerit regime;

Option 2: To develop a demerit point regime, based on the level of road safety risk posed by the offence, and a simple metric for linking fines and demerit point levels.

Option 2 is the preferred option because:

- a) There is a clear link between the level of road safety risk (with 0 being low and 9 being high as defined by a panel of road safety experts) and the penalty to be imposed for offending; and
- b) The metric for linking fines and demerit points (fine = 2x number of demerit points) does not lower fines to a level that cannot bear comparison with penalties for speeding offences detected by speed cameras which remain “fine only” offences despite being the same offence. Thus highlighting the evident inconsistency in applying penalties according to the means of detection.

Upon developing the rebalanced demerit point regime it became clear that it was appropriate to lower speed threshold for immediate licence suspension for 28 days. This was to reinforce the seriousness of travelling at, say 91km/h in a 50km/h urban zone or over 141km/h on the open road. Options considered were:

Option 1: Reduce the threshold to 30km/h over the limit across all speed limits or across permanent speed limits only.

Option 2: Reduce the threshold to 30km/h over the limit at limits up to and including 70km/h and leave the threshold for higher speed limits at 40km/h. This would be either all limits or across permanent posted limits only

Option 3: Reduce the threshold to 50 percent above the permanent and variable speed limits only

Option 4: Reduce the threshold to 50 percent above the permanent speed limit at all limit levels

Option 5: Reduce the threshold to 50 percent above the permanent and variable speed limits up to and including 90km/h and leaving the threshold at 100km/h at the current level of over 40km/h.

Option 3 was proposed because:

- a) The risk analysis indicated that the level of safety risk is the same regardless of speed limit level, or whether the limits were permanent, variable or temporary.
- b) The simple metric of 50 percent of the limit, when applied universally is relatively simple to communicate and calculate for both drivers and the New Zealand Police.
- c) While the proposed regime does raise the threshold on the open road, there is the potential for significant safety gains in urban areas which should support efforts to encourage greater uptake of walking and cycling. In respect of the raised open road threshold, it is felt that most people who are driving at over 140km/h on the open road are likely to be repeat speed offenders who will be dealt with effectively anyway under the revised demerit point regime.

In respect of the ban sought on devices to detect or interfere with speed measuring equipment, these articles are purchased and used in order to deliberately flout or evade the law. The fact that it is legal to buy and use these articles contributes to mixed messages about the dangers of speeding and the purpose of speed management laws. The following options were considered:

Option 1: To impose an outright ban on the devices that would include importation and sale as well as use and possession.

Option 2: To ban use and possession in a motor vehicle of these devices.

Option 2 was proposed because

- a) banning the importation and sale of these items would be problematic and impose significant enforcement costs on Customs. It is also not possible to ban sale under consumer legislation because the devices are not, in themselves, unsafe.
- b) banning the use or possession in a vehicle of the devices puts the onus on compliance with the law on the road user. The graduated penalty regime has been developed to reduce the impact on retailers and those who may have recently purchased such equipment. While retailers have suggested they should be compensated for excess stock, this is not considered necessary given the proposed implementation schedule and graduated penalty system proposal.

CONSULTATION

Consultation in relation to the proposals in this paper has taken place on a number of levels.

- a) Pre-policy engagements with a wide group of stakeholders and communities through the *See you there... Safe As!* process identified the issues and proposed solutions.
- b) Policy development was done by an inter-agency project team led by the Ministry of Transport and including New Zealand Police, Land Transport New Zealand (including the Transport Registry Centre), The Accident Compensation Corporation, and Transit New Zealand.
- c) The proposals were reviewed through the National Road Safety Committee which is convened by The Chief Executive of the Ministry of Transport and includes the Commissioner of Police and the Chief Executives of Land Transport New Zealand, Transit New Zealand, The Accident Compensation Corporation, Local Government New Zealand, The Ministry of Health, The Ministry of Justice, The Department of Labour, and the Ministry of Education.
- d) The proposals were also circulated to The Department of the Prime Minister and Cabinet, The Treasury, The State Services Commission and Te Puni Kokiri. Copies of the papers were provided to the Customs Department and the Ministry of Economic Development (Consumer Affairs).
- e) Finally, a short discussion paper on banning the use of devices for detecting or interfering with speed measuring equipment was circulated for comment to the Retailers Association and the Insurance Council whose responses have been taken into account in the preparation of these proposals.